

APPEAL NO. 020387
FILED APRIL 8, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 18, 2002. The hearing officer resolved the disputed issue before him by determining that the appellant (claimant) is not entitled to supplemental income benefits (SIBs) for the 19th quarter because the claimant failed to make a good faith effort to obtain employment commensurate with her ability to work during the 19th quarter qualifying period. The claimant appealed on sufficiency grounds asserting that she had no ability to work during the qualifying period for the 19th quarter, or, in the alternative, that she was enrolled in, and satisfactorily participated in, a full-time vocational rehabilitation program sponsored by the Texas Rehabilitation Commission (TRC) during the 19th quarter qualifying period. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

At issue in this case is whether the claimant satisfied the good faith requirement for SIBs entitlement by establishing that she had no ability to work during the qualifying period corresponding to the 19th quarter pursuant to Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 130.102(d)(4) (Rule 130.102(d)(4)), or by enrolling in and satisfactorily participating in a full-time vocational rehabilitation program sponsored by the TRC in accordance with Rule 130.102(d)(2). The hearing officer determined that the claimant failed to meet her burden of proof under either Rule 130.102(d)(2) or 130.102(d)(4). Nothing in our review of the record reveals that the hearing officer's determinations in that regard are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse those determinations, or the determination that the claimant is not entitled to SIBs for the 19th quarter, on appeal. Pool v. Ford Motor Co., 715 S.W.2d 629 (Tex. 1986); Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TEXAS MUTUAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RUSSELL R. OLIVER, PRESIDENT
221 WEST 6TH STREET
AUSTIN, TEXAS 78701.**

Elaine M. Chaney
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge